

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RACHEL SUTTON and)	
STEPHEN SUTTON,)	
)	
Plaintiffs,)	
)	
VS.)	No. 3:11-0071
)	Jury Demand
WAL-MART STORES EAST, LP,)	Magistrate Judge Griffin
)	
Defendant.)	

AGREED ORDER FOR THE RELEASE OF RACHEL SUTTON'S
MEDICAL RECORDS FROM CLARKSVILLE OB-GYN, DR. DONALD
SHACKELFORD, AND ST. THOMAS OUTPATIENT NEUROLOGICAL CENTER

Upon agreement of the parties, by and through counsel,
pursuant to Rule 34 of the Federal Rules of Civil Procedure, 45
C.F.R. §§ 160 and 164 of the Health Insurance Portability and
Accountability Act ("HIPAA"), which specifically states that, "A
covered entity may disclose protected health information in the
course of any judicial or administrative proceeding: (i) in
response to an order of a court or administrative tribunal,
provided that the covered entity discloses only the protected
health information expressly authorized by such order," and
pursuant to 38 U.S.C. § 7332(b)(2)(D), and for good cause shown,
it is hereby

ORDERED, ADJUDGED AND DECREED that the law firm of HOWELL &
FISHER, PLLC, or its designated representatives shall be allowed
by written request only to obtain certified copies of all medical
records, medical reports, medical charts, x-ray films, tissue

slides or other laboratory specimens, diagnostic studies, pharmacy/prescription records, itemized billing records with payments-made information, insurance records, other documents or writings, including but not limited to protected health information as that term is defined in 45 C.F.R. Part 160 and Part 164 (HIPAA Privacy Rule) (collectively, the "Medical Information"), from Clarksville OB-GYN, Dr. Donald Shackelford, and St. Thomas Outpatient Neurological Center related to the care and treatment of RACHEL SUTTON. This includes medical records as they pertain to drug and alcohol and HIV/AIDS treatment.

HOWELL & FISHER, PLLC, or its designated representatives shall pay all costs of obtaining copies of aforesaid documents and will provide copies of said Medical Information obtained pursuant to this Order to plaintiffs' attorney, Mark Rassas, at no charge within ten (10) days of their receipt.

This Order does not permit ex parte communications between the lawyers or their representatives and the health care providers.

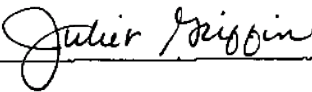
The information obtained through use of this Order may only be used or disclosed for the purposes of this litigation or proceeding. Except with the prior written consent of the producing party, the information produced pursuant to this Order shall not be disclosed to any person other than (a) counsel for the parties, (b) employees or agents of counsel for the parties,

(c) any current or former employee of a party, to the extent deemed necessary by counsel for the production or defense of this litigation, (d) experts and consultants retained for the prosecution or defense of this litigation, (e) any authors or recipients (in the ordinary course of the health care provider's business) of the Medical Information, or (f) the Court, court personnel, court reporters, and witnesses:

This Order shall expire upon final disposition of this case and the law firm of HOWELL & FISHER, PLLC, and its designated representatives shall be prohibited from using the Order thereafter. All information obtained pursuant to this Order and all copies thereof will be destroyed or safely archived within a reasonable time period after the conclusion of this litigation or proceeding, whether by trial, appeal, settlement, or other final conclusion.

All of the foregoing is SO ORDERED.

Judge



APPROVED FOR ENTRY:

s/Andy Rowlett

Andy Rowlett, No. 16277
HOWELL & FISHER, PLLC
Court Square Building
300 James Robertson Parkway
Nashville, TN 37201-1107
(615) 244-3370
Attorney for defendant

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Mark A. Rassas, No. 4334
RASSAS, NORTH & ASSOCIATES
Glenn Building, Suite 101
120 South Second Street
Clarksville, TN 37040
(931) 645-4044
Attorney for plaintiffs

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served via the electronic filing system upon Mark A. Rassas, Rassas, North & Associates, Glenn Building, Suite 101, 120 South Second Street, Clarksville, TN 37040, on this the 8th day of ~~June~~ July, 2011.

Andy Rowlett

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